

Order

Michigan Supreme Court
Lansing, Michigan

June 22, 2011

Robert P. Young, Jr.,
Chief Justice

142850

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142850
COA: 294682
Shiawassee CC: 09-008600-FH

LARRY STEVEN KING,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 3, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the defendant was immune from arrest and prosecution for manufacturing marijuana under § 4(a) and (d) of the Michigan Medical Marihuana Act, MCL 333.26424(a), (d), where he possessed a valid registry identification card and he was in possession of an amount of marijuana that did not exceed the amount allowed under the act; (2) whether the presumption under § 4(d) was rebutted by evidence that the defendant did not keep his 12 marijuana plants in an “enclosed, locked facility” under § 4(a), as defined in § 3(c), MCL 333.26423(c); (3) if (2) is answered in the affirmative, whether the defendant may independently assert an affirmative defense under § 8(a), MCL 333.26428(a); and (4) whether the “[e]xcept as provided in section 7” language in § 8(a) required the defendant to fulfill all of the conditions set forth in § 4 in order to have a valid affirmative defense under § 8(a).

The Attorney General, the Criminal Defense Attorneys of Michigan, and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 22, 2011

Corbin R. Davis

Clerk